

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

B.P., H.A., and S.H.,
individually, and on behalf
of all others similarly
situated,

Plaintiffs,

v.

City of Johnson City,
Tennessee, et al,

Defendants.

No. 2:23-CV-00071
TRM-JEM

* * * * *

VIDEO DEPOSITION OF DAVID HILTON

August 8, 2024

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

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1 the case notes, search warrants.

2 Q. Were they your case notes?

3 A. Some were.

4 Q. Were they search warrants that you
5 executed?

6 MR. GREPPIN: Object to the form of
7 the question.

8 Go ahead.

9 By you, do you mean him personally
10 or the department? When you said you --

11 MR. OSBORNE: I understand. It
12 seems pretty clear. I was talking about
13 you, him. Nobody else would --

14 MR. GREPPIN: Okay.

15 Q. (BY MR. OSBORNE) Was it you
16 individually that executed the search warrants that
17 you looked at?

18 A. I was present when some of them
19 were executed.

20 Q. Are you distinguishing between
21 being present and executing? Are those two
22 different things?

23 MR. GREPPIN: I'll object to the
24 form to the extent that it calls for legal
25 conclusions.

1 the record. The time is 11:17 a.m. Eastern
2 time.

3 MR. OSBORNE: Okay. Back on the
4 record.

5 BY MR. OSBORNE:

6 Q. Let's talk about phone bills.

7 A. Okay.

8 Q. Do you use your personal phone for
9 work calls?

10 A. Occasionally.

11 Q. As far as you know, does that
12 violate any policies, or is that allowed?

13 A. It's allowed.

14 Q. Do you delete work calls from your
15 call logs on your personal cell phone?

16 A. Not that I know of. I don't recall
17 ever doing that.

18 Q. Okay. Do you know if you've ever
19 deleted text messages that relate to work from your
20 personal cell phone?

21 A. Not that I'm aware of.

22 Q. Do you know if doing that would be
23 a violation of JCPD policy?

24 MR. GREPPIN: I'll object to the
25 form of the question.

1 A. I don't know.

2 Q. (BY MR. OSBORNE) Okay. Looking at
3 Exhibit 211 -- actually taking a step back.

4 Have you ever had any training with
5 respect to your work at JCPD about what you're
6 supposed to keep and what you're allowed to delete
7 from your own devices?

8 A. Not that I can recall.

9 Q. I'm going to go through some
10 people.

11 Do you have any of these people --
12 we'll just go one by one -- as contacts in your
13 personal cell phone?

14 Karl Turner?

15 A. Current? Like now or ever?

16 Q. Ever.

17 A. Yes.

18 Q. Okay. Now?

19 A. I think the number is -- the
20 contact is probably still there. I'm sure -- I
21 don't know what number I had for him.

22 Q. Okay. Kevin Peters?

23 A. Yes.

24 Q. Presently?

25 A. Yes.

1	Q.	Toma Sparks?
2	A.	Yes.
3	Q.	Justin Jenkins?
4	A.	Yes.
5	Q.	Officer Higgins?
6	A.	Yes.
7	Q.	Legault?
8	A.	Yes.
9	Q.	Cathy Ball?
10	A.	Don't think so.
11	Q.	John -- sorry?
12	A.	I don't think so.
13	Q.	Okay. John Hames?
14	A.	I don't know.
15	Q.	Steve Finney?
16	A.	Yes.
17	Q.	Jeff Keeling?
18	A.	Jeff who?
19	Q.	Keeling.
20	A.	No.
21	Q.	Journalist?
22	A.	No.
23	Q.	Erick Herrin?
24	A.	We're' on my personal phone,
25		correct?

1 Q. Personal phone.

2 A. No.

3 Q. Okay. Exhibit 211 is a three-page
4 document.

5 Could you turn to Page 3?

6 Would you say you use your personal
7 phone for your official calls, your work-related
8 calls, more than you use your JCPD-issued phone?

9 A. I don't know that I would say it's
10 more. I don't know how to answer that. I don't --

11 Q. So I'm looking at this little
12 section of time here on Page 3.

13 From October 1st to October 15th,
14 this is your work line.

15 A. Uh-huh.

16 Q. There's only five phone calls --

17 A. Uh-huh.

18 Q. -- on your work line.

19 MR. HERRIN: What year are we
20 talking about here?

21 MR. OSBORNE: Oh, this is, as I
22 understand it -- and that's a good question,
23 because this bill doesn't actually say.

24 I understand that this was back in
25 2019 or '20?

1 MS. BAEHR-JONES: 2020.

2 MR. OSBORNE: 2020.

3 A. Okay.

4 Q. (BY MR. OSBORNE) Okay. We'll come
5 back to this one. So just keep it handy.

6 Do you know what the -- what ICAC
7 is, Internet Crimes Against Children Task Force
8 Program, ICAC?

9 A. Heard of it.

10 Q. Okay. What can you tell me about
11 it? What do you know about it?

12 A. That it's the -- from my
13 understanding, they send agencies -- I don't know.
14 I don't know how to explain it. I think they would
15 forward information that they might think is
16 suspicious to agencies, to law enforcement agencies.

17 Q. Okay. Do you know what ICAC COPS
18 is?

19 And the COPS is C-O-P-S, standing
20 for Child Online Protection Program.

21 A. Can you say that again?

22 Q. Yeah.

23 Do you know what ICAC COPS is?

24 A. I don't think so.

25 Q. Okay.

1 and we'll look at some documents. This is not a
2 memory test.

3 But before we look at the
4 documents, what can you remember about how you found
5 out about the fall that night?

6 A. I received a phone call.

7 Q. Okay. Do you know who from?

8 A. I believe it was Investigator
9 Sparks.

10 Q. Any idea like what time it was?
11 Did it wake you up?

12 A. Yes.

13 Q. Okay. Let's do this. We're going
14 to -- I'm going to play A911 phone call recording.
15 It's a little long. A lot of it is what you would
16 expect, just lots of chatter and things. I'll ask
17 you some questions about it. If you need to go back
18 at any point to listen to something again, just let
19 me know. We'll listen to the whole thing.

20 And one thing that I'd like you to
21 do is, if you can, if you can identify any of the
22 people who are speaking by their voice, just try to
23 make a note of it, and I'll ask you some questions.

24 A. Okay. It could have been 911 who
25 called me. I do not -- I believe it was

1 Investigator Sparks.

2 Q. Yeah. You've made it very clear
3 that you don't have a real sharp memory on that, and
4 that's perfectly understandable.

5 A. Okay.

6 MR. OSBORNE: All right. And what
7 we'll do is we'll mark this -- so we'll mark
8 this piece of paper as Exhibit 213.

9 (Exhibit 213 marked).

10 Q. (BY MR. OSBORNE) That's going to
11 represent the phone call, and this is Bates
12 CITY-77349.

13 MR. OSBORNE: I don't need you to
14 transcribe the recording.

15 COURT REPORTER: Okay. Yeah, I'll
16 just put it was played for The witness.

17 MR. OSBORNE: Thank you.

18 (Audio playing).

19 MR. OSBORNE: I'm stopping the
20 recording just because it seems like there's
21 some loss.

22 (Audio playing).

23 MR. OSBORNE: We're going to play
24 it, play the whole thing.

25 Q. (BY MR. OSBORNE) Do you want to

1 pause?

2 A. Are you wanting me to say if I
3 recognize a voice?

4 Q. Do you?

5 A. Yeah.

6 Q. Go for it.

7 A. That was Mike Adams.

8 Q. Okay.

9 A. Captain Adams.

10 Q. Okay. That was the person who
11 said, "The number I have is not answering," that was
12 Mike Adams?

13 A. Yes.

14 Q. Okay. I think we're -- I think he
15 may still be speaking. So I'm going to play again.
16 (Audio playing).

17 A. I believe that's Officer Jeff
18 Stork, K-9 Officer Stork. K-91.

19 MS. TAYLOR: I'm sorry.

20 THE WITNESS: I believe that was
21 K-91, Officer Jeff Stork.

22 Q. (BY MR. OSBORNE) And that was --
23 actually, I didn't catch anything that he said. I'm
24 going to play back like a couple of seconds just to
25 get a blurb so we can pinpoint where in the call

1 that is for the record.

2 (Audio playing).

3 Q. (BY MR. OSBORNE) He said, "120 to
4 K-91."

5 A. That's -- Captain Adams is 120, to
6 K-91. K-91 is Officer Stork.

7 Q. And the voice that you hear there,
8 do you believe that's Mike Adams or Officer Stork?

9 A. That's Adams.

10 Q. Got it.

11 A. And was there a response from --
12 can we play that again?

13 Q. Sure.

14 (Audio playing).

15 Q. (BY MR. OSBORNE) "Go ahead" is
16 Stork?

17 A. Yes.

18 Q. Got it. Thank you.

19 MR. OSBORNE: And just for the
20 record, in the recording we're at about six
21 minutes and 50 seconds at that point. The
22 prior voice that was identified as Mike
23 Adams was at around five minutes and 35
24 seconds into the recording.

25 Okay. Let's go ahead and finish.

1 (Audio playing).

2 Q. (BY MR. OSBORNE) Do you know who
3 those two people are? Was that Stork and Adams
4 again?

5 A. I believe so.

6 Q. Okay. And that, for the record,
7 again, is about seven minutes, ten seconds.

8 (Audio playing).

9 A. So some of the -- one number -- I
10 don't know the numbers. I would be speculating, I
11 think, if I said who I thought they were.

12 Q. (BY MR. OSBORNE) Okay. 120 was
13 Mike Adams.

14 A. Yes.

15 Q. 164?

16 A. I don't know. I've got an idea who
17 I might think it is, but I can't --

18 Q. Who do you think it is?

19 A. I think it is officer Paul Miller.

20 Q. Okay. There's also a repeated
21 number that I heard, 123, and that could be -- I
22 interpreted that, maybe I'm wrong, as a sick or
23 injured person, just police code.

24 Is that --

25 A. 123?

1 Q. Uh-huh.

2 A. No.

3 Q. Is 123 an officer?

4 A. Yes. So, yes, the way our -- I
5 don't know what you would call it. Our call signs
6 are set up is 110 -- each platoon -- there's five
7 platoons. But the four, one through four are the
8 main platoons that work patrol. And so each
9 platoon, Platoon 1 starts with a 1. The first
10 number is the platoon, and then the second number is
11 the zone, and then the third number is the unit in
12 that zone.

13 We used to have what's called -- I
14 think it's called DPA's, Designated Patrol Areas,
15 and that's the way dispatch would dispatch us.

16 So -- but supervisors, 110 is the
17 captain on the shift. 120 would be the lieutenant
18 on the shift. 130 and 140 would be the sergeants on
19 the shift, and then you have K-91. I know that to
20 be Jeff Stork.

21 But as far as the other numbers, I
22 don't -- they're hard to put voices with numbers,
23 and I don't know their -- their numbers. But that
24 person sounded like Paul Miller.

25 Q. Paul Miler.

1 A. I don't -- I don't know for sure.

2 Q. Thank you.

3 All right. We've only got like a
4 minute or so left. So let's just wrap it up. And,
5 of course, tell me if you need me to stop.

6 (Audio playing).

7 A. I couldn't hear.

8 Q. (BY MR. OSBORNE) Do you want to
9 hear it again?

10 A. Yeah, I couldn't -- I couldn't hear
11 it.

12 (Audio playing).

13 A. That, I don't -- whatever that was,
14 I couldn't hear it.

15 (Audio playing).

16 Q. (BY MR. OSBORNE) All right. One
17 thing I did want to ask you about, Mike Adams -- and
18 I typed what he said. He says, "The number I have
19 is not answering," which I think is in reference to
20 you, "if you've got a work cell." And then the
21 response is [REDACTED] 4815.

22 So [REDACTED] 4815, that is your work
23 cell, right?

24 A. Correct.

25 Q. Do you know, did Mike Adams only

1 have your personal cell at that point?

2 A. I don't know what he had.

3 Q. Okay. And then I also noticed --
4 and this may have been Stork or someone else,
5 someone says, "Keep the phone as evidence."

6 I think that's a conversation
7 between Stork and Adams. And he says, "Don't let
8 him be talking on the phone."

9 Did you hear that?

10 A. Yes.

11 Q. Okay. And then the response, which
12 I believe comes from Stork, is, "I've secured the
13 phone."

14 Did you hear that, too?

15 A. Something to that effect.

16 Q. All right. Let's take a look at
17 this phone bill.

18 We've got numbers. Here on the
19 first page there is the first call, 2:42 a.m., 9/19.
20 The number is [REDACTED] 5891. And I'll just
21 represent to you that we have records that show that
22 that was Mike Adams.

23 So if that lines up with what
24 you're saying, there was an incoming call from Mike
25 Adams at 42 -- pardon me -- 2:42 a.m.

1 Can you see that?

2 A. I do.

3 Q. Okay. Do you remember if Mike
4 Adams called you around 2:42 a.m.?

5 A. I don't know who called me. I
6 thought it was Toma.

7 Q. Okay. That's fine. The only
8 reason that I'm asking is because it seems like
9 these line up with what you're saying. I just want
10 to confirm.

11 The next few calls there are made
12 at 4:37 a.m. 4:49 a.m., 4:50 -- sorry, 5:40 a.m.,
13 all to the same number, the number ending in 5896.

14 And, again, I'll just represent for
15 the record, that's Peters' number.

16 So do you recall calling Captain
17 Peters that night?

18 A. I recall -- yeah, I recall making
19 phone calls to him.

20 Q. What were you talking to Captain
21 Peters about?

22 A. Telling him what was going on.

23 Q. Okay.

24 A. I can't -- I don't remember
25 specific details from the conversation.

1 Q. All right. Do you -- do you recall
2 talking to him at all about the video cameras that
3 were in Williams' home, in his apartment that night?

4 A. I don't recall specifically talking
5 about those.

6 Q. Okay. Do you know what an Arlo
7 camera is?

8 A. Yes.

9 Q. All right. Do you know if you
10 talked to Peters that night about Arlo cameras?

11 I'm just seeing if this refreshes
12 your recollection. If it doesn't, it doesn't.

13 A. I can't say that I remember that.

14 Q. Okay. Oh, there was one other
15 thing I wanted to ask you.

16 Was Toma Sparks on duty that night?

17 A. He was the on-call investigator, is
18 what I remember.

19 Q. Do you know if Justin Jenkins was
20 also on call that night?

21 A. I do not. Only one investigator is
22 on call at a time.

23 I can speculate as to why if he
24 was, what that was.

25 Q. You can explain why that might have

1 been the case, but I don't want you to guess about
2 things you don't know.

3 Can you say why that might have
4 been the case?

5 A. Yes. Investigator Jenkins was new
6 to -- fairly new to CID, and he was -- we would
7 normally have new investigators be on call with
8 another investigator.

9 Q. Was Adams on duty that night?

10 A. Who?

11 Q. Mike Adams.

12 A. I believe he was on patrol.

13 Q. On patrol.

14 Do you recall hearing somebody say
15 in the phone call, "I'm up in the apartment"?

16 A. Yes, I believe so. Something to
17 that -- to that effect.

18 Q. Do you know if Stork at any point
19 entered up into the apartment?

20 A. That sounds familiar. I can't -- I
21 think that was him on there that said that.

22 Q. All right. There was also a
23 reference to a change in policy on phones.

24 Do you remember that in the early
25 part? It was around the time Mike Adams was asking

1 for your work phone.

2 Did you hear that?

3 A. A change in policy?

4 Q. Yeah.

5 MR. OSBORNE: Let's -- so can you
6 play it again? It's about 5:20 or so.

7 (Audio playing).

8 Q. (BY MR. OSBORNE) Did you hear that?

9 "There's a change in policy, they
10 want us calling them to you."

11 Did you hear that?

12 A. I couldn't understand.

13 Q. That's how I heard it. It's tough
14 to hear it.

15 Was there a change in policy,
16 insofar as you know, around that time about the
17 dispatch contacting CID supervisors?

18 A. Yes.

19 Q. What was the change in policy?

20 A. I think they were supposed --
21 rather than calling the -- it was around that time.
22 I'm speculating as to what she's talking about, if
23 that -- if that's what you want.

24 Q. No. I want to know what the change
25 of policy was, not what she was talking about.

1 A. That a supervisor was supposed to
2 be called before, instead of just calling the
3 investigator in.

4 Q. Okay. Do you know why that policy
5 was changed?

6 I'm going to rephrase the question.

7 What is your understanding of why
8 the policy was changed?

9 A. I think some investigators were
10 called out on maybe some things that maybe they
11 shouldn't have been called out on. And to keep from
12 that happening, I think that's -- that was the
13 purpose.

14 Q. So they changed the policy.

15 MR. OSBORNE: All right. We'll
16 mark this Exhibit 214.

17 (Exhibit 214 marked).

18 Q. (BY MR. OSBORNE) Okay. 214 is an
19 email from you to a number of people. I think we
20 handwrote the Bates up in the top of this one just
21 because it didn't appear in every law production we
22 printed.

23 Go ahead and take a minute and read
24 it.

25 And I'll just ask, before we get

1 started, was this one of the documents that you read
2 to prepare for today's deposition?

3 A. Yes.

4 Q. Okay. Do you need to read it, or
5 are you already familiar with it?

6 A. I may refer to it after your
7 question.

8 Q. That's fine.

9 A. If you want to give me a minute, I
10 will read it.

11 Q. Go ahead.

12 A. Okay.

13 Q. We're not in a hurry.

14 A. Okay.

15 Q. Okay. So did you write this email?

16 A. I believe so.

17 Q. Thanks. Let's go on and confirm --
18 the time stamps on email sometimes are bizarre.
19 They might use like Greenwich Mean Time or
20 Universal.

21 Do you actually know what time you
22 sent this email, ballpark?

23 A. It was in the afternoon, I believe.

24 Q. All right.

25 A. And I'm just trying to do the math

1 here.

2 Q. Sure.

3 A. It's not computing.

4 Q. And it was on the 19th of
5 September, 2020, right?

6 A. Yes.

7 Q. Which was a Saturday?

8 A. Correct.

9 Q. Okay. I'm going to go through some
10 of the content and just ask you some questions about
11 it.

12 The first is, "Platoon 1 officers
13 were flagged down in reference to a female that
14 fell."

15 What does that mean, flagged down?

16 A. Like they were like, "Hey, help."
17 Somebody waved them down.

18 Q. Was that the -- insofar as you
19 know, was that the way that any law enforcement
20 first found out about this?

21 A. As far as I know. I mean, I
22 don't -- I can't go back in my memory and see and
23 think how did they find out.

24 Q. I'm going to -- I'm going to ask
25 sort of a preface question about this email.

1 The things you put in this email,
2 insofar as you knew, they were true, right?

3 A. Yes.

4 Q. You weren't making stuff up. You
5 weren't guessing. At the time that you wrote the
6 email, you were writing it to the best of what you
7 knew at the time.

8 A. Correct.

9 Q. And the information that you put in
10 here, you did your best to make sure that it was
11 accurate, correct?

12 A. Yes.

13 Q. Okay. So I apologize. Platoon 1,
14 you said there were ten different platoons or four
15 platoons?

16 A. There are four patrol platoons, and
17 then there's a Platoon 5 that does different
18 functions.

19 Q. And the different platoons -- let's
20 see.

21 Were you, at the time -- let's see.
22 You were a sergeant, right?

23 A. Yes.

24 Q. Were you sergeant for Platoon 1 at
25 the time?

1 A. No.

2 Q. What were you?

3 A. I was a sergeant in CID.

4 Q. In CID. I see. Okay. Thank you.

5 And were there officers on Platoon

6 1 who were your reports? You were there

7 supervisors.

8 A. No.

9 Q. Okay. Your reports were all CID
10 also, correct?

11 A. What do you mean by my reports?

12 Q. The people you had direct
13 supervision over.

14 A. They were all CID.

15 Q. Okay. And we've already gone
16 through who you believe those people were.

17 A. Yes.

18 Q. And they included Toma Sparks and
19 Justin Jenkins, who show up later in here, right?

20 A. Correct.

21 Q. Okay. Do you know which officers
22 you're referring to when you say that Platoon 1
23 officers were flagged down?

24 Is the best of your memory that it
25 was Mike Adams and Jeff Stork?

1 A. I have no idea who was flagged
2 down.

3 Q. Was Mike Adams in Platoon 1?

4 A. He was.

5 Q. Was Jeff Stork?

6 A. Yes.

7 Q. Okay. Based on what you heard in
8 the phone call, and to the best of your memory, were
9 Mike Adams and Stork, were they two of the officers
10 who were there on the scene that evening?

11 A. Yes. I would say that Jeff Stork
12 was there, and it sounded as though Captain Adams
13 was there, as well.

14 Q. Okay. About this email, did
15 somebody actually instruct you to write this email?
16 Did somebody ask for this?

17 A. No. It's a typical of whenever
18 we're called out that -- that we send an email.

19 Q. And the information that you've got
20 in here, was this information that you got from
21 asking folks questions?

22 A. Yes, and them briefing me, letting
23 me know what happened.

24 Q. Okay. Did you actually do a --
25 besides this email, did you do any other report that